

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION**

AARON LEE JONES,

Plaintiff,

v.

RICHARD ALLEN, et al.,

Defendants.

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Case No. 2:06-cv-986-MHT

NOTICE OF INTENT TO FILE MOTION FOR STAY OF EXECUTION

PLEASE TAKE NOTICE that, pursuant to this Court's Order dated March 1, 2007,
Plaintiff Aaron Lee Jones states the following:

1. Plaintiff will seek a stay in this Court of the Corrected Order of the Alabama Supreme Court dated February 26, 2007 setting May 3, 2007 as the date for his execution on the grounds, inter alia, that the above-referenced action currently is pending in this Court with an October 1, 2007 trial date. Plaintiff has an ongoing action (filed November 1, 2006) before this Court, challenging execution by lethal injection in Alabama as violative of his rights to be free from cruel and unusual punishment under the Eighth and Fourteenth Amendments to the United States Constitution. The issue of whether Alabama's method of execution by lethal injection comports with the requirements of the Eighth and Fourteenth Amendments never has been litigated on the merits in the Courts of Alabama, and this action should be heard on the merits in accordance with the uniform scheduling order already entered by this Court on January 8, 2007.
2. Plaintiff intends to file a motion for a stay on or before March 9, 2007.

Respectfully submitted,

Date: March 2, 2007

/s/ Heather K. McDevitt

VINCENT R. FITZPATRICK, JR.
HEATHER K. MCDEVITT
STEPHANIE COHEN
Bar Numbers (SDNY):
VF2907; HM9973; SM7006
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CERTIFICATE OF SERVICE

I certify that on March 2, 2007, a copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: J. Clayton Crenshaw and James W. Davis.

/s/ Stephanie Cohen
STEPHANIE COHEN
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